

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RYAN D. TERRY,

Defendant.

8:20–CR–248

FINAL ORDER OF FORFEITURE

This matter is before the Court on the Government’s Motion for Final Order of Forfeiture, [Filing 227](#).¹ The Court has reviewed the record in this case and, being duly advised in the premises, finds as follows:

1. On May 8, 2023, the Court entered a Preliminary Order of Forfeiture, Filing No. 169, forfeiting defendant’s interest in the following Property:

- a. real property located at 7610 Hartman Ave. in Omaha, Nebraska, more particularly described as: Lot 8, Block 1, Kroegers Add; Parcel Number: 1533581015;
- b. real property located at 8608 Templeton Dr. in Omaha, Nebraska, more particularly described as: Lot 20, Block 24, Hargleroads-Military Add; Parcel Number: 1255050000;
- c. real property located at 12020 N 144th Plaza in Douglas County, Nebraska 68007-000, more particularly described as:

A tract of land located in the West one-half of the Southwest one-quarter of Section 12, Township 16 North, Range 11 East of the 6th P.M., Douglas County, Nebraska, more particularly described as follows: Commencing at the Northwest corner of said Southwest Quarter; thence on the West line of said Southwest Quarter and on an assigned bearing of South 0 degrees 30 minutes 19 seconds East a distance of 604.71 feet to the point of beginning; thence North 88 degrees 43 minutes 27 seconds East 771.72 feet; thence South 0 degrees 30 minutes 19 seconds East 869.63 feet; thence South 90

¹ The Government initially filed a different version of this Motion, but later moved to withdraw it “to allow additional time to resolve two claims by interested third parties.” [Filing 215](#); [Filing 223](#). The Court granted the Government’s Motion to Withdraw on February 20, 2024, and the Government submitted the present Motion for Final Order of Forfeiture on March 29, 2024. Filing 224 (Text order); [Filing 227](#).

degrees 00 minutes 00 seconds West 771.68 feet to a point on said West line of the Southwest Quarter; thence on said West line North 0 degrees 30 minutes 19 seconds West 852.45 feet to the point of beginning, EXCEPT a tract of land described as commencing at the Northwest corner of said Southwest Quarter; thence Southerly on the West line of said Southwest Quarter on an assigned bearing of South 0 degrees 30 minutes 19 seconds East a distance of 1212.00 feet to the point of beginning; thence Easterly, North 90 degrees 00 minutes 00 seconds East 771.68 feet; thence Southerly, South 0 degrees 30 minutes 19 seconds East 245.16 feet; thence Westerly, South 90 degrees 00 minutes 00 seconds West 771.68 feet to a point on said West line of the Southwest Quarter; thence Northerly, on said West line, North 0 degrees, 30 minutes 19 seconds West 245.16 feet to the point of beginning.

And

A tract of land located in the Southwest Quarter of Section 12, Township 16 North, Range 11 East of the 6th P.M., Douglas County, Nebraska, more particularly described as follows: Commencing at the Northwest corner of said Southwest Quarter; thence Southerly on the West line of said Southwest Quarter, on an assigned bearing of South 0 degrees 30 minutes 19 seconds East a distance of 604.71 feet; thence Easterly, North 88 degrees 43 minutes 27 seconds East 729.70 feet to the point of beginning; thence Northerly, North 0 degrees 53 minutes 32 seconds West 100.05 feet; thence Easterly, North 88 degrees 43 minutes 27 seconds East 297.00 feet; thence Southerly, South 0 degrees 30 minutes 19 seconds East 730.19 feet; thence Westerly, South 90 degrees 00 minutes 00 seconds West 254.28 feet; thence Northerly, North 0 degrees 30 minutes 19 seconds West 624.47 feet; thence Westerly, South 88 degrees 43 minutes 27 seconds West 42.03 feet to the point of beginning.

Together with

A 50 foot wide driveway easement in part of the Southeast Quarter of the Southeast Quarter of Section 11, Township 16 North, Range 11 East of the 6th P.M., and part of the Southwest Quarter of Section 12, Township 16 North, Range 11 East of the 6th P.M., all in Douglas County, Nebraska, being more particularly described as follows: Beginning at the Southeast corner of said Southeast Quarter of the Southeast Quarter of said Section 11; thence South 89 degrees 51 minutes 33 seconds West (an assumed bearing relative to all bearings contained herein) for 16.52 feet along the South line of said Southeast Quarter of the Southeast Quarter of said Section 11; thence North 00 degrees 07 minutes 12 seconds West for 1136.29 feet; thence Northeasterly along a 625.0 foot radius curve to the right (chord bearing North 14 degrees 08 minutes 12 seconds East for 307.83 feet) for an arc length of 311.03 feet; thence South 89 degrees 37 minutes 59 seconds

East for 57.36 feet; thence Southwesterly along a 575.0 foot radius curve to the left (chord bearing South 15 degrees 28 minutes 47 seconds West for 309.26 feet) for an arc length of 313.11 feet; thence South 00 degrees 17 minutes 12 seconds East for 1136.35 feet; thence South 90 degrees 00 minutes 00 seconds West for 33.48 feet along the South line of said Southwest Quarter of said Section 12 to the point of beginning.

Subject to a well easement as set forth in Miscellaneous Book 1224 Page 033 of the records of Douglas County, Nebraska.

- d. The parties also agreed the Defendant would forfeit an additional \$41,440.00 in United States currency in lieu of the Defendant's residence. The Defendant tendered \$41,440.00 to the United States.

2. Notice of Criminal Forfeiture was posted on an official internet government forfeiture site, www.forfeiture.gov, for at least thirty consecutive days, beginning on May 24, 2023, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. A Declaration of Publication was filed herein on October 3, 2023. [Filing 214](#).

3. The Government advises the Court that there were two parties that claimed interest in two of the properties. Jeffrey P. Pooley, petitioner, asserted an interest in 12020 North 144th Plaza property and Nationstar Mortgage, LLC ("Nationstar") provided the Plaintiff documentation of its perfected security interest in the 8608 Templeton Drive property. Both interested parties have signed stipulations agreeing to terms for the disposition of the subject properties. [Filing 225](#); [Filing 226](#). From a review of the Court file, the Court finds that no other person or entity has filed a petition. The Government further advises the Court that "[a]ll claims and interests in the properties identified in the Preliminary Order of Forfeiture have been resolved." [Filing 227 at 3](#).

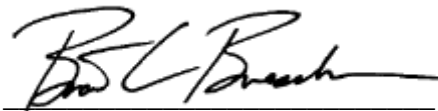
4. The Motion for Final Order of Forfeiture should be granted. Accordingly,

IT IS ORDERED:

1. The Court approves the parties' stipulations ([Filing 225](#); [Filing 226](#)) regarding the forfeited properties;
2. The Government's Motion for Final Order of Forfeiture, [Filing 227](#), is granted;
3. All right, title, and interest in and to the above-described Property taken from defendant, held by any person or entity are forever barred and foreclosed as to the property identified above in paragraphs 1.a and 1.d of this Order;
4. The U.S. Marshals Service will accept payment from Jeffrey P. Pooley in the amount of \$49,000.00, which will be forfeited to the Government. Once payment is tendered, the Government will file a Release of Lis Pendens and no other forfeiture action will be taken on the property at 144th Plaza described in paragraph 1.c of this Order;
5. The U.S. Marshals Service, as custodian of the property located at 8608 Templeton Drive described in paragraph 1.b of this Order, will sell the subject property expeditiously and in a commercially-reasonable manner, giving notice of the proposed sale to Nationstar. The proceeds of the sale shall be applied first to the payment of the United States Marshals Service's expenses of custody and sale; second, to the payment of all outstanding real property taxes related to the property as of the date of the closing; and third, to Nationstar in satisfaction of the debt, under the terms of the stipulation as it relates to principal and interest. All right, title and interest in and to the net sale proceeds of the subject property, held by any person or entity are hereby forever barred and foreclosed. The net proceeds are forfeited to the Government;
6. The property identified in paragraphs 1.a. and 1.d. of this Order are forfeited to the Government; and
7. The Government is directed to dispose of that Property in accordance with the law.

Dated this 4th day of April, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher
United States District Judge